

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 08cv0862-IEG(CAB)
)	
Plaintiff,)	JUDGMENT
)	OF FORFEITURE
v.)	
)	
\$45,000.00 IN U.S. CURRENCY,)	
)	
TWO RABOBANK CASHIER'S)	
CHECKS AT A TOTAL VALUE)	
OF \$31,000.00,)	
)	
ONE WELLS FARGO CHECK)	
#028203098 IN THE AMOUNT)	
OF \$17,000.00,)	
)	
ONE RABOBANK CHECK)	
#012000742 IN THE AMOUNT)	
OF \$8,000.00,)	
)	
ONE RABOBANK CHECK)	
#012000743 IN THE AMOUNT)	
OF \$8,000.00,)	
)	
\$8,000.00 IN U.S. CURRENCY,)	
)	
Defendants.)	

Having reviewed the foregoing Joint Motion and good cause appearing therefor,
IT IS HEREBY ORDERED, ADJUDGED and DECREED:
The Joint Motion is approved.

//

1 1. The parties, the United States of America, by and through its counsel, Karen P.
2 Hewitt, United States Attorney, and David M. McNees, Special Assistant U.S. Attorney, and the
3 claimants, David Rafael Lomas-Lopez and Antonio Lomas ("Claimants"), through their attorney
4 of record, Richard M. Barnett, have entered into this joint motion in order to resolve the matter of
5 the seizure and forfeiture of the above-referenced defendants:

6 \$45,000.00 IN U.S. CURRENCY,

7 TWO RABOBANK CASHIER'S CHECKS AT A TOTAL VALUE
8 OF \$31,000.00,

9 ONE WELLS FARGO CHECK #028203098 IN THE AMOUNT OF \$17,000.00,

10 ONE RABOBANK CHECK #012000742 IN THE AMOUNT OF \$8,000.00,

11 ONE RABOBANK CHECK #012000743 IN THE AMOUNT OF \$8,000.00, and
12 \$8,000.00 IN U.S. CURRENCY,

13 ("defendant currencies").

14 2. The parties have agreed to a settlement which is hereinafter described in its
15 particulars.

16 3. \$32,000.00 of the defendant currencies shall be forfeited and condemned to the
17 United States pursuant to Title 21, United States Code, Section 881. Judgment shall be entered
18 in favor of the United States on its complaint. The remaining \$85,000.00 of the defendant
19 currencies, plus interest according to law, shall be returned to Claimants David Rafael
20 Lomas-Lopez and Antonio Lomas, through their attorney of record, Richard M. Barnett.

21 4. Costs incurred by the United States incident to the seizure and custody of the
22 defendant currencies, if any, shall be borne by the United States.

23 5. The person or persons who made the seizure or the prosecutor shall not be liable
24 to suit or judgment on account of such seizure in accordance with Title 28, United States Code,
25 Section 2465. Claimants agree that by entering into this joint motion, they have not "substantially
26 prevailed" within the meaning of 28 U.S.C. § 2465. Each party shall bear its own costs and
27 expenses, including attorney fees.

28 //


1 6. Claimants warrant and represent as a material fact that they are the sole owners of
2 the defendant currencies and further warrant that no other person or entity has any right, claim or
3 interest in the defendant currencies, and that they will defend and indemnify the United States
4 against any and all claims made against it on account of the seizure and forfeiture of the defendant
5 currencies.

6 7. The Claimants, their agents, employees, or assigns, shall hold and save harmless
7 the United States of America, its agents and employees, from any and all claims which might result
8 from the seizure of the defendant currencies.

9 8. Following forfeiture of the United States' portion and distribution of the Claimants'
10 portion of the defendant currencies as described above, the case shall be closed.

11 Let judgment be entered accordingly.

12
13 **DATED: September 2, 2008**

14 
15 **IRMA E. GONZALEZ, Chief Judge**
16 **United States District Court**
17
18
19
20
21
22
23
24
25
26
27
28